

1 Stephen Powers  
2 Stephen Powers-Pro Se  
3 1397 Mustang Drive  
4 Lewisville, TX 75067  
5 Attorney for Plaintiff

Judge Schell and Judge Bush

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
APR 15 2004

DAVID J. MALAND, CLERK

US District Court for the Eastern District of Texas  
~~BY DEPUTY~~

7 Stephen Powers, ) Case No.: 4:04cv50  
8 Plaintiff, )  
9 vs. ) Plaintiff's Answer to Defendant's  
10 Rande LaDue, d/b/a ProFit Enterprises ) Counterclaims and Reply to  
11 and Robert Zeigner, d/b/a Zigs Designs ) Defendant's Affirmative Defenses  
12 Defendant )  
13 )

14 Plaintiffs Answer to Defendants Counterclaims

15 I.

16  
17 General Objections

18 Plaintiff, Stephen Powers denies generally each and every counterclaim  
19 in defendant's answer to plaintiff's complaint and demands strict proof of  
20 every counterclaim by preponderance of and/or clear and convincing  
21 evidence.  
22

23 II.

24 Specific Objections

25  
Plaintiff's Answer to Defendant's  
Counterclaims - 1

Stephen Powers-Pro Se  
1397 Mustang Drive  
Lewisville, TX 75067

1           Objection to Counterclaim for Declaratory Judgement by Defendant

2  
3           Answer to Section 20 of Defendant's Counterclaim-The '025 patent is valid  
4           and enforceable as defined by the patent laws of the United States, in  
5           particular Title 35 of the United States Code. The defendant's accused  
6           device infringes the plaintiff's '025 patent.

7           Answer to Section 21 of Defendant's Counterclaim - The '025 patent has  
8           been directly infringed and is presently being directly infringed by the  
9           defendants.

10          Answer to Section 22 of Defendant's Counterclaim - Defendants have  
11          contributed to the infringement and induced the infringement of and are  
12          contributing to the infringement of and inducing the infringement of the  
13          '025 patent.

14          Answer to Section 23 of Defendant's Counterclaim - The claims of '025  
15          patent are valid and enforceable.

16          Answer to Section 24 of Defendant's Counterclaim - Defendants are not  
17          entitled to a Declaratory Judgment as the '025 patent is presumed valid  
18          and enforceable as defined in 35 U.S.C.. Defendants have not presented  
19          evidence to overcome this presumption.

20  
21          Objection to Counterclaim for Business Disparagement by Defendant-

22          Plaintiff, Stephen Powers, denies claim for business disparagement by  
23          publishing false, disparaging words with malice and without privilege.

Objection to Counterclaim for Tortious Interference by Defendant -

Plaintiff, Stephen Powers, denies claim for Tortious Interference by intentionally interfering with a relationship with a third person.

**Plaintiff's Reply to Defendant's Affirmative Defenses**

Reply to Defendant's Affirmative Defense Number 6- Plaintiff states in Section IV of the original complaint that the defendant is in violation of the '025 patent as defined by 35 U.S.C.. In section V of the plaintiff's original complaint, the plaintiff asks for relief as defined by 35 U.S.C.289.

Reply to Defendant's Affirmative Defense Number 7- The defendant has directly infringed and induced infringement of the '025 patent.

Reply to Defendant's Affirmative Defense Number 8- The '025 patent is valid and enforceable and meets the conditions of patentability as specified in 35 U.S.C..

Reply to Defendant's Affirmative Defense Number 9- The '025 patent is valid and enforceable as defined by Title 35 of The United States Code.

Reply to Defendant's Affirmative Defense Number 10- The '025 patent is valid and enforceable.

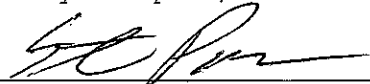
Reply to Defendant's Affirmative Defense Number 11- The plaintiff's claims are not barred by the defense of estoppel.

Reply to Defendant's Affirmative Defense Number 12- The plaintiff's claims are not barred by the defense of laches.

Reply to Defendant's Affirmative Defense Number 13- The plaintiff's claims are not barred by the defense of unclean hands.

Dated this 14<sup>th</sup> day of April, 2004

X



Stephen Powers  
Stephen Powers-Pro Se  
1397 Mustang Drive  
Lewisville, TX 75067

Stephen Powers  
Stephen Powers-Pro Se  
1397 Mustang Drive  
Lewisville, TX 75067

Judge Schell and Judge Bush

US District Court for the Eastern District of Texas

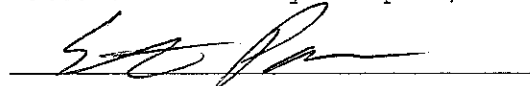
Stephen Powers,	)	Case No.: 4:04cv50
	)	
Plaintiff,	)	Certificate of Service
	)	
vs.	)	
	)	
Rande LaDue, d/b/a ProFit Enterprises	)	
	)	
and Robert Zeigner, d/b/a Zigs	)	
	)	
Designs,	)	
	)	
Defendant	)	

Certificate of Service

This is to certify that I have this day served a true and correct copy of  
**PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIMS AND REPLY TO DEFENDANT'S**  
**AFFIRMATIVE DEFENSES** upon Defendant who is represented by Gwendolyn Dawson of  
King and Spalding, LLP. By causing a true and correct copy thereof to be  
served by certified mail, return receipt requested, to Defendant's attorney  
as follows:

King & Spalding, LLP  
1100 Louisiana Suite 4000  
Houston, TX 77002-5213

Dated this 14<sup>th</sup> day of April, 2004



Certificate of Service - 1

Stephen Powers-Pro Se  
1397 Mustang Drive  
Lewisville, TX 75067